



FILED

JUN 8 1985

BANKRUPTCY JUDGE

(JTC - 2)

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re

COMBE FILL CORPORATION,

Debtor.

Case No. 81 B 12024 (BRL)

OBJECTION TO TRUSTEE'S
APPLICATION TO ABANDON
LANDFILL SITES AND RECORDS

PLEASE TAKE NOTICE that J. Filiberto Sanitation, Inc., a creditor of Combe Fill Corporation, hereby objects to the abandonment of the landfill sites and business and dumping proposed by the Trustee.

The basis for the objection is that closure and any clean-up costs relating to the landfill sites have yet to be determined and, until such time, the Trustee should not be permitted to abandon the real estate, but should be required to apply funds of the Estate to the closure and clean-up costs.

The undersigned creditor is now aware that on January 23, 1984, an Order was entered by the Honorable John J. Galgay approving settlement of "all closure claims by all closure claimants against Bruce D. Scherling, as Trustee and individually, and the Estate's current assets of \$412,638.00." This creditor, however, was not notified of the proposed compromise as indicated by the Order which states that notice of the application was "given to the United States Trustee and all priority creditors."

The undersigned creditor has received letters in 1983 from the United States Environmental Protection Administration identifying it as a "potentially responsible party" with potential liability under 42 U.S.C., Section 9601 et seq. for site clean-up of the Combe Fill landfills. The undersigned is aware that the New Jersey Department of Enviromental Protection Work Plan for the Combe Fill landfill sites contemplates the completion of a design study in 1985 and the commencement of work in the last quarter of 1985. As such, there exists a large contingent claim against J. Filiberto Sanitation, Inc. for which the creditor would be entitled to contribution from the Estate.

The undersigned creditor also objects to the abandonment of all business and dumping records for each site because they may be relevant in future proceedings outside of this Bankruptcy Court.

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BY:



BEN H. BECKER

DATED: June 5, 1985